

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 15, 2000
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Kevin Clark, Vista Volunteer from InterFaith Ministries.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved Minutes of the regular meeting of February 8, 2000, were approved 7 to 0.

AWARDS AND PRESENTATIONS

SERVICE CITATIONS Distinguished Service Citations were presented.

PROCLAMATIONS Proclamations previously approved were presented.

RECOGNITION The Delegation from Yucheng City, Henan Province, China was recognized.

PUBLIC AGENDA

Comments by Dr. Phil Zivnuska - Fluoridation.

Dr. Phil Zivnuska Dr. Phil Zivnuska extended an invitation from pediatrician Dr. Steven Moore, to see dental decay. Minority status directly correlates with dental health.

There are all kinds of fraudulent claims regarding fluoridation.

A support poll showed that 74 percent of Kansans want fluoridation. All of the major, reputable, health organizations, including the AMA, American Dental, Wichita Dental, Dietetic, Public Health, National Health, and World Health organizations.

Fluoridation is used by every major city in the United States.

UNFINISHED BUSINESS

STORM WATER SEWER PETITIONS FOR STORM WATER SEWERS TO SERVE REGENCY PARK ADDITION AND THE NORTHEAST SOCCER COMPLEX - WEST OF GREENWICH, NORTH OF K-96. (District II)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 00-0170.

On January 25, 2000, the City Council deferred action on two Petitions for drainage improvements to serve Regency Park Addition and the Northeast Soccer Complex. Regency Park is a new commercial development. The

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Soccer Complex is located on land donated by the Regency Park developers. The signature on the Petitions represents 100% of the non-City owned property.

The City's ownership, which is 31.63% of the improvement district area, contributes 24% - 30% of the storm runoff, depending on the storm intensity level. The Petitions provide that the City pay 20% of the project costs.

The two Petitions total \$741,600 with \$483,600 assessed to the private development and \$148,000 to City Park property. Funding for the City share is available in the Capital Improvement Program (NE Soccer Complex, page 193). The funding source is General Obligation Bonds.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Pisciotte moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-057

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 532 (west of Greenwich, north of K-96) Project No. 468-83065, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-058

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 533 (west of Greenwich, north of K-96) Project No. 468-83066, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

S/D 97-14

S/D 97-14 - PLAT OF REGENCY PARK ADDITION LOCATED ON THE SOUTH SIDE OF 29TH STREET NORTH, ON THE WEST SIDE OF GREENWICH.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 00-0114 A.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)

A zone change (SCZ-0734) from SF-20, Single-Family Residential to LI, Limited Industrial was approved for this site subject to platting. The site is also subject to a Protective Overlay addressing uses, landscape buffers, setbacks, height, signs, and circulation.

Petitions, 100%, have been submitted for sanitary sewer, City water, drainage and paving improvements. Action on this plat was deferred from the January 25th meeting in order to verify that the City would participate in the cost of the drainage improvements. A Certificate of Petitions cross-lot drainage agreement, off-site drainage easement, protective overlay certificate, and restrictive covenant have been submitted..

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Pisciotte moved that the Plat be approved; the necessary signatures be authorized; the Ordinance SCZ-0734 be placed on first reading; and the Resolutions be adopted. Motion carried 7 to 0.

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RESOLUTION NO. R-00-059

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89449 (west of Greenwich, north of K-96) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-060

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89452 (west of Greenwich, north of K-96) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-061

Resolution of findings of advisability and Resolution authorizing construction of Lateral 2, Main 26, War Industries Sewer Number 468-83062 (west of Greenwich, north of K-96) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-062

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 26, War Industries Sewer Number 468-83063 (west of Greenwich, north of K-96) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-063

Resolution of findings of advisability and Resolution authorizing construction of Lateral 4, Main 26, War Industries Sewer, Number 468-83064 (west of Greenwich, north of K-96) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-064

Resolution of findings of advisability and Resolution authorizing improving of Regency Park from the north line of 26th Street North to the west line of Lot 6, Block 1; 26th Street North from the west line of Greenwich Road to the west line of Regency Park, and; 26th Street North Circle from the west line of Regency Park serving Lots 8, 9 and 10, Block 1, to and including the cul-de-sac, Project No 472-83186 (west of Greenwich, north of K-96) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-065

Resolution of findings of advisability and Resolution authorizing improving of Regency Park/28th Street North from the west line of Lot 6, Block 1, to the west line of Greenwich, Project No. 472-83190 (west of Greenwich, north of K-96) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-066

Resolution of findings of advisability and Resolution authorizing improving of 27th Street North Circle serving Lots 10 through 13, Block 2, from the west line of Greenwich to and including the cul-de-sac, Project No. 472-83191 (west of Greenwich, north of K-96) in the City of Wichita, Kansas, pursuant to findings of advisability made

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by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita, Kansas Code Section 28.04.210. SCZ-0734, introduced and under the rules laid over. SCZ-0734

NEW BUSINESS

WIND TASK FORCE WIND TASK FORCE REPORT. (COUNCIL MEMBERS PISCOTTE AND MARTZ)

The Item will ready for Council consideration on March 7, 2000.

PAVING FAIRVIEW PETITION TO PAVE FAIRVIEW, FROM 26TH STREET NORTH TO 27TH STREET NORTH. (District VI)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 00-0171.

The signatures on the Petition represent 11 of 19 (57.8%) resident owners and 33.3% of the improvement district area. On October 13, 1999, CPO Council 6 considered the Petition. The Council voted 7-0 to recommend approval.

Fairview, from 26th Street North to 27th Street North, is a sand road that provides access to an area comprised predominately of single-family homes.

The estimated cost of the project is \$97,000 with the total assessed to the improvement district. The proposed method of assessment is the square foot basis. The estimated assessment rate is \$00.49 per square foot of ownership. The improvement district includes City drainage property which is assessed \$44,500. The funding source for the City share will be charged to the Storm Water Utility.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- Cole moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection
-- carried Committee be authorized to select a design engineer. Motion carried 7 to 0.

RESOLUTION NO. R-00-067

Resolution of findings of advisability and Resolution authorizing improving of Fairview, from the north line of 26th Street North to the south line of 27th Street North, 472-83151, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Cole moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

SCHOOL BOARD BOND RESOLUTION - SCHOOL BOND ISSUE.

Council Member Gale declared a conflict of interest and abstained from participation.
Council Member Gale left the Bench.

Council Member Pisciotte Council Member Pisciotte said it is imperative that the City Council join the School Board in support of the bond issue. A community is no better than its education. Of the top ten things of importance, none is more important than this resolution and bond issue.

Council Member Cole Council Member Cole spoke of frustration, over the years, of watching people leave the City and often giving the reason as being the state of the schools.

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Council Member Rogers	Council Member Rogers said the whole community ought to become involved in promoting the bond issue.
Council Member Martz	Council Member Martz said the school physical needs are great. Plumbing and physical improvements are vitally important. The physical plants must be maintained.
Council Member Lambke	Council Member Lambke stated that some buildings are in atrocious condition. There is no choice but to improve the situation.
Mayor Knight	Mayor Knight said a lot of people preceding his parents had supported his education. This is an obligation, duty, and opportunity to give something back to the City.
Mayor Knight	Mayor Knight inquired whether anyone wished to be heard.
Jean Schodorf	Jean Schodorf spoke of the future of the community and children, and thanked the City Council for its support.
Sharon Feary	Sharon Feary said the bond issue will take total commitment of the whole community.
Winston Brooks	Winston Brooks thanked the City Council for its support and said the public school system is critical to the vitality of the community.
	This is about equity. Young people do not have equitable access to education because of the current facilities.
Motion -- carried	Pisciotte moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent)

RESOLUTION NO. R-00-068

A Resolution in support of U.S.D. 259 School Bond issue illustrating respect and support for the youth and adults who need and deserve the best educational system possible as Wichita is an exceptional City with leadership willing and able to address the challenges of today and tomorrow, presented. Pisciotte moved that the Resolution be adopted. Motion carried 6 to 0. (Gale abstained) Ayes: Cole, Lambke, Martz, Pisciotte, Rogers, Knight.

CITY COUNCIL AGENDA

Council Member Gale present.

CONDEMNATION

REVIEW OF COUNCIL ACTION ON DANGEROUS BUILDING CONDEMNATION AT 2725-27 SOUTH VASSAR. (Council Member Lambke)

Kurt Schroeder Superintendent of Central Inspection reviewed the Item.

Rob Snyder contacted Council Member Lambke and the Superintendent of Central Inspection about the property he owns at 2725/27 South Vassar. A letter dated December 20, 1999, had notified Mr. Snyder that the City was proceeding to take bids for demolition of the property. The December 20th letter was issued as a follow-up to the City Council's Dangerous Structure Hearing of October 12, 1999, during which Council voted to give Mr. Snyder 60 days to complete required exterior repairs to the structure. As of February 1st, no exterior repairs had been initiated on the structure at 2725/27 South Vassar.

Mr. Snyder appeared at the October 12, 1999, Council Hearing to request an extension of time to repair 2725/27 South Vassar along with two (2) other structures which were on the agenda that day, all of which he had recently purchased. Mr. Snyder was granted an extension of 60 days to repair each of the three (3) structures. Two of the structures have been repaired, although OCI granted one 30-day extension for repair completion as provided for in Council Policy 33.

Mr. Snyder believes repairs to 2725/27 South Vassar could be completed within the next 30-45 days, and understands that further extension of time through the City Council must be requested. Mr. Snyder recently indicated that he might be interested in selling this property to the nearby church or to the Wichita Indo-Chinese Center. Mr. Snyder is aware of Council Policy 33 which requires the property owner to place an amount equal to one half the estimated cost of demolition plus \$500 for administrative costs in an escrow account with the City should Council grant his extension request. (\$2,300 in this case).

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Staff recommends that Mr. Snyder be granted a 30-day extension to complete exterior repairs, provided he places \$2,300 in escrow with the City. Staff could only support a sale of the property if the closing could be completed within 10 days of the Council action date, and the new owner was required to place \$2,300 in escrow with City and could complete exterior repairs within 30-60 days from the date of closing.

The property is secure at this time.

Rob Snyder

Rob Snyder explained that the property abuts church property and tenants of the property would have to park on the church parking lot. There is a possibility of the property being sold to either the Church or one other interested party.

Motion --
-- carried

Lambke moved that the City continue to follow Policy 33 and a 30-day extension be given to complete repairs, and an additional ten days be given if a new owner is to complete the repairs. Motion carried 7 to 0.

JUDGE APPOINTMENT MUNICIPAL COURT JUDGE APPOINTMENT.

Joe Lang

First Assistant City Attorney reviewed the Item.

Agenda Report No. 00-0173.

The City Council adopted Charter Ordinance No. 181 to authorize a new Municipal Court Judge position, by changing the Administrative Hearing Officer position to judge position with the same duties and responsibilities. The selection process was implemented during the lay over period required for charter ordinances. Pursuant to Charter Ordinance No. 171, the City Council previously appointed a Municipal Court Judge Nominating Commission to review the interested candidates and nominate three persons to the City Council to fill the judge position.

The Municipal Court Judge Nominating Committee has nominated three persons for consideration by the City Council: Bruce Brown, Blaise Plummer, and William Wix. Pursuant to Charter Ordinance No. 171, the City Council may appoint one of the three nominees as Municipal Court Judge. The appointment will be subject to Charter Ordinance No. 181 going into effect on February 23, 2000.

The City Council has the authority to appoint a person to serve as Municipal Court Judge.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Cole moved that Bruce Brown be appointed as a Wichita Municipal Court Judge effective as of February 23, 2000, and to expire on the third Monday of April 2001. Motion carried 7 to 0.

APPOINTMENTS BOARD/COMMISSION APPOINTMENTS.

Motion --
-- carried

Pisciotte appointed Dave Babich, Tom Byrne, Gene Camarena, Michelle Chauncey, Todd Ford, Charlotte Foster, Mary Herrin, George Laham, Susan Leasure, and Mike Pompeo to the District Advisory Board, District II, and moved that the appointments be approved. Motion carried 7 to 0.

Motion --
-- carried

Martz appointed David Almes, Bob Bulman, Sean Cash, David Dennis, H. Maurice Ediger, Fran Hoggatt, Margarita LaFarelle Hunt, Andy Johnson, Vincent Miller, Texanita Randle, and Bob Sorenson to the District Advisory Board, District V, and moved that the appointments be approved. Motion carried 7 to 0.

PROCLAMATIONS PROCLAMATIONS

There were no proclamations considered.

CONSENT AGENDA

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Motion --
-- carried

Knight moved that the Consent Agenda, including Addendum Item 22a, except Item 27, be considered as consensus items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 14, 2000.

Bids were opened February 11, 2000, pursuant to advertisements published on:

Water supply line in 21st Street North from 127th Street East to 143rd Street East and in 143rd Street East from 21st Street North to Summerfield -21st Street North and 143rd Street East. (448-89249/633636/758525) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 06/22/1999.

Dondlinger & Sons – \$549,571.26

Knight moved that the contract be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

POLICE DEPARTMENT: Ammunition. (083600)

Ultramax Ammunition - \$7,682.50 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: New Current Model Intermediate Four-Door Sedan. (130807)

Rusty Eck Ford Inc. - \$15,428.00 (Total per vehicle)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2000</u>	<u>(Consumption on Premises)</u>
Chan Phommachanh	Bangkok Thai Restaurant*	2020 South Rock Road, Suite #50
Yi Liang Chen	Fortune Cookie Restaurant, Inc.*	620 South Holland Street

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion-- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

PLANS AND SPECS.

PLANS AND SPECIFICATIONS.

a. Lateral 435, Southwest Interceptor Sewer to serve four unplatted tracts - south of Kellogg, west of Maize. (468-83012/743804/480492) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 08/03/1999. (District V)

Motion --
-- carried

Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., February 25, 2000. Motion carried 7 to 0.

SUBDIVISION PLANS AND SPECIFICATIONS.

a. Pawnee Court from the south line of Pawnee, to and including the cul-de-sac to serve Wilderness at the Park Addition - south of Pawnee, east of Maize. (472-82385/765597/490708) Does not affect existing traffic. City Council approval date: 06/08/1999. (District V)

b. Jewell Circle from the west line of Lot 24, Block 1 to and including the cul-de-sac; Rita from the south line of Jewell Circle to the west line of Maize Road; and Rita Court from the south line of Rita to and including the

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cul-de-sac to serve Lindsay's Orchard Addition - north of Pawnee, west of Maize Road. (472-83189/765617 /490728) Does not affect existing traffic. City Council approval date: 02/01/2000. (District V)

c. Lateral 8, Cowskin Interceptor Sewer to serve Maple Dunes Addition - north of Maple, east of 135th Street West. (468-82716/743824/480512) Does not affect existing traffic. City Council approval date: 07/01/1997. (District V)

d. Water distribution system to serve Maple Dunes Addition - north of Maple, east of 135th Street West. (448-89150/734952/470622) Does not affect existing traffic. City Council approval date: 07/01/1997. (District V)

Motion -- Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of
-- carried Bids and Contracts by 10:00 a.m., February 25, 2000. Motion carried 7 to 0.

PRELIMINARY EST.

PRELIMINARY ESTIMATES:

a. Hickory Creek from the south line of Lot 49, Block 2, south to the south line of Lot 51, Block 2; Harvest Lane from the south line of Lot 51, Block 2 east to the east line of Harvest Lane Court (Lots 1 through 5, Block 7); Harvest Lane from the most easterly corner of Lot 51, Block 2, west to the west line of the plat; Harvest Lane Court (Lots 53 through 57, Block 2) from the north line of Harvest Lane, north to and including the cul-de-sac; Harvest Lane Court (Lots 1 through 5, Block 7), (Lots 6 through 14, Block 7), (Lots 15 through 21, Block 7), (Lots 22 through 28, Block 7) from the south line of Harvest Lane, south to and including the cul-de-sac to serve Hickory Creek Addition (south of 13th, west of 119th Street West) (472-83183/765614/490725) Does not affect existing traffic. City Council approval date: 01/25/2000. (District V) - \$289,000.00

b. Storm Water Sewer No. 453 to serve Kansas Surgery and Recovery Center Addition - east of Webb, south of K-96. (468-82394/751281/485172) Does not affect existing traffic. City Council approval date: 05/17/1994. (District II) - \$80,000.00

Motion -- carried Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

DEEDS & EASEMENTS

DEEDS AND EASEMENTS:

a. Utility easement dated February 2, 2000 from Benjamin T. Horton, Manager of Bencor/Webb21, LLC, for a tract of land in the Northeast Quarter of Section 8, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas (NE Transmission Line, OCA 632539). No cost to City.

b. Utility easement, to be signed by the Mayor and dated, from The City of Wichita, Kansas, a Municipal Corporation, for a tract of land Lot 4, Park West Plaza, Wichita, Sedgwick County, Kansas (Private Project, OCA 607681). No cost to City.

Motion -- carried Knight moved that the documents be received and filed. Motion carried 7 to 0

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE COMOTARA INDUSTRIAL PARK FOURTH ADDITION - WEST OF WEBB, SOUTH OF 37TH STREET NORTH. (District II)

Agenda Report No. 00-0174.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will provide sanitary service to a commercial property.

The Petition totals \$66,360. The funding source is special assessments.

Motion -- carried Knight moved that the Petitions be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-069

Resolution of findings of advisability and Resolution authorizing construction of Lateral 64, Main 9, Sanitary Sewer No. 23 (west of Webb, South of 37th Street North) 468-83053 in the City of Wichita, Kansas, pursuant to

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findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Code Standards and Appeals, 1-3-2000
Library Board, 1-18-2000

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

SPECIAL EVENT STREET CLOSURES/USES.

Agenda Report No. 00-0193.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted.

--Thirteenth Annual St. Pat's Run, March 18, 2000, 12:00 (noon) – 3:00 p.m.
Street Closures: First Street from Main to Rock Island Street in Old Town

Map includes run route through Central Riverside Park; south on Waco, east on Central; and south on Main in conjunction with approved route for KAKE TV-10 St. Patrick's Day Parade; and east on First Street from Main to Rock Island.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the request be approved subject to: (1) Event Sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Departments; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets.

-- carried

Motion carried 7 to 0.

STREET CLOSURE - 29TH STREET NORTH.

Agenda Report No. 00-0194

Dondlinger & Sons, Inc. has contracted to install a sewer line to serve the Barefoot Bay 2nd Addition. The project connects to a manhole on the north side of 29th Street, approximately ½ mile east of Ridge Road and must then immediately proceed south across 29th Street. Because of the depth of the existing manhole (18 ft.), the condition of the soil (mostly sand) and the level of the groundwater table, it is not possible to maintain 29th Street traffic at the sewer crossing area. The Contractor is requesting the closure of 29th Street at this location from approximately 8:30 a.m., Monday, February 14, 2000 through 6:00 p.m., Saturday, February 19, 2000.

The Contractor is responsible for the construction barricades and notification of affected businesses and residents. Because of the minimal traffic on this sand/gravel section of 29th Street east of Ridge Port, no detour will be signed.

Motion --

-- carried

Knight moved that the Street Closure, subject to the necessary insurance, permits, and coordination with Staff be approved. Motion carried 7 to 0.

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WEAPONS

WEAPONS DESTRUCTION.

Agenda Report No. 00-0175.

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. The list of weapons being destroyed includes a total of 34 long guns and 131 handguns. The destruction of the weapons will be witnessed and monitored by Staff.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Motion -- carried

Knight moved that the list of weapons be received and filed. Motion carried 7 to 0.

PSI REPORTS

PRE-SENTENCE INVESTIGATION REPORTS.

Agenda Report No. 00-0176.

The Municipal Court contracts with an outside agency (or agencies) to help evaluate defendants prior to sentencing. For example, the law mandates that all drunk drivers be evaluated. The judges also order evaluations on other charges, such as, domestic violence and possession of drugs. The evaluations contain criminal histories, prior arrest records, victim and restitution information and assessments of the severity of alcohol/drug use or domestic violence. These reports are read by the judges prior to sentencing defendants.

The Municipal Court Administrator, Probation Office Supervisor, and the Assistant to the Court Administrator evaluated the Request for Proposals submitted. Correctional Counseling of Kansas was selected by the panel. Correctional Counseling of Kansas has four years previous experience in providing contract evaluations for the court. These pre-sentence evaluations are performed on defendants arrested for Driving Under the Influence of Alcohol and for those defendants that have applied for the Driving Under the Influence Diversion Program. The cost for the pre-sentence evaluations is \$62.50 each and the contractor is not to exceed 884 evaluations per contract year.

Municipal Court has an approved budget of \$55,280 for this contract.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES FOR HICKORY CREEK ESTATES - SOUTH OF 13TH, WEST OF 119TH STREET WEST. (District V)

Agenda Report No. 00-0177.

The City Council approved the Hickory Creek Estates Addition plat in 1995.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in the Hickory Creek Estates Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$22,100, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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WATER SYSTEM

SUPPLEMENTAL AGREEMENT FOR WATER DISTRIBUTION SYSTEM AT WEBB ROAD - NORTH OF 39TH STREET NORTH. (District II)

Agenda Report No. 00-0178.

On November 22, 1999 the City entered into an Agreement with Baughman Company, P.A. to design water line relocation improvements in Webb Road, in the section between 39th Street North and Highway 254, where Sedgwick County is designing a new roadway. The Water and Sewer Department is requesting that Baughman also design a new 20" water line along the section of Webb Road from 39th to 53rd Street North.

The proposed Supplemental Agreement between the City and Baughman provides for engineering services for the proposed water line extension.

Payment to Baughman for the Supplemental Agreement will be made on a lump sum basis of \$24,500. The funding source is Water Utility Operating Revenues.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

29TH NORTH

SUPPLEMENTAL FOR IMPROVEMENTS TO 29TH STREET NORTH - FROM AMIDON TO ARKANSAS. (District VI)

Agenda Report No. 00-0179.

On November 3, 1995, the City Council approved a project to widen 29th Street North from Amidon to Arkansas to four lanes, and approved a Contract with PB Booker Associates, Inc. of Kansas to design the improvements. The fee was \$72,515. On July 21, 1998, the City Council approved Supplemental Agreement Number 1 which required PB Booker to revise the plans to provide for a three-lane roadway (four-lane would not accommodate utility relocations and eliminated green space between the curb and property lines). The fee was \$25,780

PB Booker has been asked to set right-of-way corners and stake the back of inlet location for curb inlets to allow Kansas Gas Service to accurately relocate their gas lines. Supplemental Agreement Number 2 has been prepared.

Payment to PB Booker for Supplemental Agreement Number 2 will be made on a lump sum basis of \$3,432.18 and will be paid by funds available in the project budget. The funding source is General Obligation bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WATER SYSTEM

SUPPLEMENTAL AGREEMENT FOR WATER DISTRIBUTION SYSTEM - SOUTH OF 55TH STREET SOUTH, EAST OF SENECA. (District IV)

Agenda Report No. 00-0180.

On November 9, 1999 the City Council approved an Agreement with Savoy, Ruggles & Bohm, P.A. (SRB) to design Water Distribution System No. 448 89417. The fee was \$48,500.

The proposed Supplemental Agreement between the City and SRB provides for designing a water main in 55th Street South, between Handley to Gold (connecting the existing mains to the east and west). This additional section of water line was included in a petitioned project that was approved by the Council on January 11, 2000.

Payment to SRB for the Supplemental Agreement will be made on a lump sum basis of \$1,950 and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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BOR AGREEMENT

MODIFICATION TO ASSISTANCE AGREEMENT WITH BUREAU OF RECLAMATION.

Agenda Report No. 00-0181.

On February 7, 1995, the City Council approved Phase I-Project I of the Equus Beds Recharge Demonstration Project to determine if excess flows in the Little Arkansas River can be used to recharge the Equus Beds Wellfield. On July 25, 1995, the City Council approved an assistance agreement with the Department of the Interior Bureau of Reclamation (BOR) in the amount of \$500,000 for use of federal funds on this project. The City Council authorized Phase I-Project II of the Demonstration Project on November 14, 1995.

In 1995, the BOR offered to provide up to \$500,000 in funding for the project. The fifty percent grant was available to fund many aspects, including: engineering costs; construction costs; and laboratory and sampling costs. The project is a five-year project and the original Assistance Agreement could only be used to help fund the first year. Additional funding was sought from the State of Kansas to help fund the ensuing years of the project. Efforts have thus far resulted in an additional \$2,227,000 in funding from the BOR, for a total of \$2,727,000.

The BOR is offering an additional \$273,684 of funding for 2000. It is anticipated that this will be the final opportunity to acquire funding from the BOR for the project.

The estimated cost of the Recharge Demonstration Project is \$7.2 million. If the Modification to the Assistance Agreement is accepted, the City's costs would be reduced by an additional \$273,684, for a total of \$3,000,684 from the BOR. Funding for the project is included in CIP W-403, Bank Storage Concept Pilot. The project has a total authorization of \$4,500,000 for the years from 1996 to 2000.

City Council authorization is required for contracts in excess of \$10,000.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HOUSING PROGRAM

AFFORDABLE HOUSING PROGRAM FUNDING APPLICATION. (Districts I, III, IV, and VI)

Agenda Report No. 00-0182.

December 18, 1998, the Federal Home Loan Bank of Topeka (FHLB) approved a \$250,000 grant from its 1998 Affordable Housing Program (AHP) for the City of Wichita. The grant was to be used to provide assistance to first-time homebuyers in the City's Neighborhood Revitalization Area. Commercial Federal Bank, a FHLB member, received the funding on behalf of the City.

The AHP funding allows up to \$3,500 assistance to homebuyers in the Neighborhood Revitalization Strategy Area if their household income is below 50% median income for the area. Since approval, funding has been under-utilized, despite marketing efforts in connection with the Neighborhood Revitalization Program. Low utilization is tied to inability to access any of the funding for rehabilitation and the 100% requirement for 50% median households. A request is being made to FHLB to allow 50% of the participants to be 50-80% median income and that 50% of the funds be used for rehabilitation costs. The amendment also includes a request for extension of the project agreement, that would allow for the first draw of funds by December 17, 2000. AHP funding will provide the means to extend homeownership assistance to the remainder of the Neighborhood Revitalization Area. The program is operated in a manner similar to HOMEownership 80, but would not provide the same assistance package available in the Local Investment Areas.

In order to comply with AHP regulations, the assistance is provided in the form of a deferred loan, which would be forgiven after five years, provided that the buyer still occupies the property. The recommended amendments allow access to the funds that otherwise will be recaptured by FHLB due to lack of activity. In addition, AHP funding, when utilized, will serve to assist the City in meeting its 25% local match obligation for HOME funds.

Proposed program is compliant with Affordable Housing Program regulations.

Motion --
-- carried

Knight moved that the Grant Amendments be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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Addendum Item No. 22 a.
**DOMESTIC
PREPAREDNESS**

**JUSTICE DEPARTMENT-MUNICIPAL AGENCY DOMESTIC PREPAREDNESS EQUIPMENT
SUPPORT PROGRAM GRANT AWARD.**

On September 28, 1999, the City Council authorized submission of a grant application in the amount of \$99,990 for the U. S. Department of Justice 1999 Municipal Agency Domestic Preparedness Equipment Support Program. On December 23, 1999 the U. S. Department of Justice approved the grant and issued grant award documents.

Grant funds are to be used to purchase first responder equipment that will assist the City in meeting its basic defensive capabilities to respond to terrorist incidents and weapons of mass destruction involving the use of chemicals, biological and radiological weapons and incendiary devices. The grant was developed in consultation with public safety officials including City and County Fire Departments, City and County law enforcement, Emergency Medical Services, Emergency Management, hazardous materials response teams and City/County Health as required by the grant. The Wichita Fire Department has agreed to serve as the lead agency for administration of the grant.

Grant funds are limited to the purchase of personal protective equipment, detection equipment and communications equipment. Accordingly, the grant includes funding for one-time equipment purchases which include: gas masks, Level B protective suits, pagers, throat microphones, radios and various kinds of detectors and analyzers. This includes \$25,473 in personal protective equipment, \$33,984 in detection equipment and \$40,542 in communications equipment.

The total grant award is \$99,990. The grant does not require matching funds and no local funds are required. There is no impact on current operating budgets.

Motion -- carried

Knight moved that the Grant award be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ZOO BOULEVARD

ZOO BOULEVARD IMPROVEMENT FROM 13TH STREET NORTH TO THE I-235 FREEWAY.
(District VI)

Agenda Report No. 00-0183.

The 1998 Capital Improvement Program included a project to upgrade Zoo Boulevard from 13th Street to the I-235 Freeway. Ritchie Paving was the successful bidder on the improvement project, which is now nearing completion. Included in this project was the replacement of railroad crossing material at Westdale and Zoo Boulevard, and the extension of crossing material at 13th and Zoo Boulevard. This railroad crossing related work was identified to be done by "others" in the Zoo Boulevard reconstruction plans and therefore not included in Ritchie's Contract.

The Central Kansas Railway, Inc. bought and installed the railroad crossing surface materials and coordinated its work with Ritchie's work schedule. The Central Kansas Railway, Inc. is now requesting reimbursement for the purchase of the crossing material.

The total requested amount for this crossing material is \$12,474.00 and will be paid from the Zoo Boulevard Improvement budget.

Motion -- carried

Knight moved that the payment be approved. Motion carried 7 to 0.

VEST POCKET PARK

CHANGE ORDERS FOR VEST POCKET PARK AT OLD WOOLWORTH BUILDING SITE. (District I)

Agenda Report No. 00-0184.

A design-build Contract for construction of the Pocket Park was approved by the City Council on June 1, 1999. Construction began soon thereafter and is now complete.

During the construction, the following Change Orders were deemed necessary or desirable.

Change Order #1: Reimbursement to Contractor for payment of plan review fee and building permit fee to the Office of Central Inspection, which had not been included in the Contractor's original bid. Change Order #1 is for \$1,262.48.

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Change Order #2:

a. Construction of a decorative paving extension from the Park into the City sidewalk area. Change Order #2 is for \$3,971.00.

b. Treatment of the walls of the buildings bordering the east and west sides of the Park with EIFS material in the amount of \$80,930.00

c. Construction of a cap on the east wall to provide a uniform height appearance at the top of the wall in the amount of \$3,950.00.

Total of Change Orders #1 and #2 \$90,113.48

The original budget approved for the project was for \$410,100 (\$200,000 City and \$210,100 from private contributions). On June 1, 1999, the City Council approved an additional \$164,000 in City funds for the project, bringing the total budget to \$574,100.

The design-build Contract in the amount of \$494,000 approved by the City Council on June 1, 1999 left a balance in the approved budget of \$80,100.

This balance is adequate to cover the Change Orders with the exception of all of the EIFS treatment on the east and west walls of the Park (Change Order #2 B). Private interests that had made previous contributions felt strongly that this wall treatment was necessary for the appearance of the Park and have offered to contribute an additional \$40,000 (approximately half) of the \$80,930 cost if the City would pay the balance.

With this additional \$40,000 in private contributions, funds are available for the City's share of Change Orders #1 and #2 in the previously approved budget and will not require additional at-large funds to be approved by the City Council. However, an increase in the total budget is required to allow for the expenditure of the additional \$40,000 in private donations.

Motion --
-- carried

Knight moved that the change orders be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-00-070

A Resolution amending Resolution No. R-99-193 of the City of Wichita finding it necessary to make certain improvements to construct a vest pocket park (on Douglas between Market and Broadway) Project Number 472-82881, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

TRANSIT CENTER

TRANSIT OPERATIONS CENTER. (District I)

Agenda Report No. 00-0185.

The City Council approved the construction of the new Transit Operations Center (TOC) on November 17, 1997. The construction of the Operations Center bid on July 10, 1998 and was accepted as substantially complete on September 21, 1999. Transit operations officially started out of the new facility on October 4, 1999.

After several months of operating out of the new facility it become apparent some changes to the facility needed to be made. These changes and their associated cost are:

1. Add additional ventilation equipment to remove the fumes generated by the bus exhaust, from the building. Operational changes have been made by Transit staff to reduce the amount of fumes generated by the buses, but the buses still need to run approximately 5 – 10 minutes before they can be driven out of the bus storage area. This time is needed to build up the air pressure system which operates the brakes and air suspension. The drivers during this time also perform their operational and safety checks on the bus. The consultant, at no cost to the City, has designed a supplemental mechanical plan. Cost \$89,211.00.

2. The entrance driveway area is totally dark and unsafe. Add a light fixture and pole adjacent to the main entry gate at the northeast corner of the site. This was an option not taken from the original bid. Cost \$7,191.00.

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3. The south parking area under the Kellogg overpass particularly in the south corners is very dark and unsafe. Add light fixtures on the westernmost row of overpass columns and on the easternmost row of overpass columns. Cost \$2,439.00.
4. The fuel bay area needs a compressed air outlet on the east face of the easternmost column for tire checks and air tool usage. Cost \$1,216.00.
5. The van wash area needs a compressed air outlet near the center of the north wall for tire checks and air tool usage. Cost \$1,084.00.
6. The bus drivers are having a hard time hearing the dispatcher through a window pane. Provide a four-inch diameter hole in the upper pane of glass in the window along the south wall of the dispatch room. Cost \$400.00.
7. Add a shelf at the sill of the window along the south wall of the dispatch room to provide an area for the bus drivers to pick up their materials from the dispatcher. Cost \$537.00.

The total cost of the above modifications is \$102,078.00.

The original project budget for the TOC facility has a balance of \$49,616 (OCA 629188, Project No. 522-019). The balance of funding will be transferred from the capital portion of the 1999 FTA annual grant (OCA 629446, Project No. 619033), eliminating the budget for a floor lift which was installed and funded under the original TOC grant.

Budget transfers and adjustments in excess of \$10,000 require City Council approval.

Motion --
-- carried

Knight moved that the change order and budget adjustments be approved and the necessary signatures be authorized. Motion carried 7 to 0.

IRB - EVCON

INDUSTRIAL REVENUE BOND PURCHASE OPTION- EVCON INDUSTRIES, INC. (District VI)

Agenda Report No. 00-0186.

On May 25, 1982, City Council approved issuance of \$3.9 million in Industrial Revenue Bonds for The Coleman Company, Inc. for the purpose of acquisition of property and undertaking certain improvements related to Coleman's heating and air conditioning division. On May 24, 1988, City Council approved issuance of \$9 million in IRBs to The Coleman Company, Inc. for the purpose of facilitating a restructuring project related to its Heating and Air Conditioning and Recreational Vehicle Products Groups. Subsequent to the 1982 and 1988 bond issues, Coleman assigned all its right, title, and interest to its subsidiary, Coleman Heating and Air Conditioning Products, Inc. The subsidiary company then changed its corporate name to Evcon Industries, Inc. The term of both bond issues has expired and all bond payments have been made. Evcon Industries, Inc. requests the City reconvey properties assigned to the City of Wichita under the 1982 and 1988 Lease.

Under provisions of Section 18.2 of the Series VII, 1982 Lease Agreement and 17.2 of the Lease Agreement for Series VI, 1979 Bonds, Evcon Industries, Inc. has the option to purchase the facility from the City of Wichita for \$100 once all outstanding bonds have been paid. At the same time, upon receipt of Trustee certification that the bonds have been paid and receipt of \$100 from Evcon Industries, Inc., the City will deliver the instruments needed to deed the bond-financed property back to Evcon Industries, Inc. and terminate both IRB leases. The City received payment of the \$100 purchase option price for both the 1982 and 1988 transactions.

The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement including all payments necessary to redeem and retire all outstanding bonds. This price includes without limitation, the payment of all outstanding principal, interest, and all other expenses of redemption, and trustee fees, after the deduction of any amounts provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed once all the conditions established in the Lease have been met.

Motion --
-- carried

Knight moved that the Resolution be adopted and the necessary signatures be authorized, with delivery contingent upon satisfaction of all conditions for reconveyance under the lease. Motion carried 7 to 0.

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RESOLUTION NO. R-00-071

A Resolution of the City of Wichita, Kansas, authorizing the city to convey title to the 1982 project and the 1988 project; authorizing execution of a special warranty deed, bill of sale and termination and release of 1982 lease and 1988 lease; and authorizing the execution of all such other documents necessary to convey title to such property to Evcon Industries, Inc., presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

IRB – WHITE STAR

INDUSTRIAL REVENUE BOND PURCHASE OPTION - WHITE STAR MACHINERY AND SUPPLY CO., INC. (District VI)

Agenda Report No. 00-0187.

On September 18, 1979, City Council approved issuance of \$1.65 million in Industrial Revenue Bonds for White Star Machinery and Supply Co., Inc. The Bonds were issued to purchase property and construct and equip a new facility located at 29th Street North and Hydraulic. White Star has decided to redeem the bonds and exercise its purchase option on the IRB-financed property.

Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement for Series XCIV, 1979 Bonds, White Star has the option to purchase the facility from the City of Wichita for \$100 for each bond issue once all outstanding bonds have been paid. At the same time, upon receipt of Trustee certification that the bonds have been paid and receipt of \$100 from Berry Companies, Inc. (parent company of White Star) the City will deliver the instruments needed to deed the bond-financed property back to Berry Companies, Inc. and terminate the IRB lease. The City has received payment of the \$100 purchase option price for each bond issue.

The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement including all payments necessary to redeem and retire all outstanding bonds. This price includes without limitation, the payment of all outstanding principal, interest, and all other expenses of redemption, and trustee fees, after the deduction of any amounts provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met.

Motion --
-- carried

Knight moved that the Resolution be adopted and the necessary signatures be authorized, with delivery contingent upon satisfaction of all conditions for reconveyance under the lease. Motion carried 7 to 0.

RESOLUTION NO. R-00-072

A Resolution authorizing the City of Wichita, Kansas, to convey certain real property to Berry Companies, Inc., and prescribing the form of and authorizing the execution and delivery of certain documents in connection therewith, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

(Item No. 27)

NARCOTIC SEIZURE S NARCOTIC SEIZURE ACCOUNTS.

Agenda Report No. 00-0188.

Under Federal and State law, law enforcement agencies are permitted to seize assets from specified unlawful activities. After seizing assets, law enforcement agencies file a case for forfeiture in Federal or State court. If the court rules that the assets are proceeds from specified unlawful activity, then the assets are forfeited to the law enforcement agency. For the City of Wichita, forfeited assets are deposited into separate Narcotic Seizure accounts to provide supplementary funding for law enforcement activities. Each year the City is required to submit a Federal Annual Certification Report, which outlines seizure revenues and outlays for the prior year.

Budgets for the Narcotic Seizure accounts are adopted to permit the expenditure of funds forfeited to the Wichita Police Department. Federal and State regulations require separate accounts for assets forfeited under different forfeiture programs. The Police Department recommends that the City Council adopt the 2000 Narcotic Seizure budgets, which are described in the Financial Considerations Section. The proposed budgets address federal guidance that excess funds are used within two (2) years of receipt.

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The Narcotic Seizure accounts have funds totaling \$917,920. The Police Department recommends the following budget:

Budgeted Item	Amount
Local match for grants	\$200,000
Undercover buy money	90,000
Surveillance and undercover investigations equipment	13,000
ASTRA tokens (required for State of Kansas computer system access)	20,000
Operations & maintenance costs of undercover vehicles	40,000
Liability insurance for undercover vehicles	15,000
Undercover fleet replacements	30,000
Law enforcement training	20,000
Tactical entry/ safety equipment	40,000
SWAT truck repairs	10,000
Furley property improvement costs (mounted unit)	50,000
K-9 (drug detection dog)	5,000
Contingency/Fund Reserve	<u>384,920</u>
	\$917,920

Federal and State laws require local units of government to use forfeited assets to supplement the funds dedicated to law enforcement and prohibit supplanting local funds with forfeited assets. As a prerequisite to the approval of any equitable sharing request, the City must submit the Federal Annual Certification Report within 60 days after the close of the fiscal year. The Equitable Sharing Agreement binds the City to comply with the statutes and guidelines that regulate the equitable sharing program. Such guidelines advise against retaining forfeiture revenues unnecessarily beyond two (2) years. The Equitable Sharing Agreement is executed once every three (3) years. However, a change in administration (e.g., appointing a new Chief of Police) requires that a new agreement be submitted.

Council Member Rogers Council Member Rogers inquired as to whether options for use of the funds might be included.

Chris Cherches City Manager explained that all funds must be spent for law enforcement purposes. Information regarding restrictions and criteria can be provided.

Motion -- carried Rogers moved that the budgets be adopted. Motion carried 7 to 0.

GOLF COURSE

GOLF COURSE CAPITAL OUTLAY.

Agenda Report No. 00-0189.

Several irrigation system improvements to the golf system have been identified by staff. These include a new system for LW Clapp (replacing a 1988 system) and minor enhancements at Pawnee Prairie and MacDonald. The system at the Sim course was replaced in 1999. Also, technology advances have lead to new irrigation pumps that can both purify the water and reduce electricity costs. This technology is ideally suited for Sim course.

Due to the acidic qualities of the well water at the Sim course, chemical additives must be added to the well water before it is suitable for irrigation. A new "jockey" pump and water purifier for the Sim course would both reduce significantly the electrical consumption required for irrigation and eliminate the need for water softening chemicals. Currently around \$35,000 is spent annually on electricity at the Sim course. Annually, \$8,800 is budgeted for chemical additives. Based on estimated chemical and electricity savings, the new pump should have a payback of four years or less.

The irrigation improvements identified for LW Clapp, Pawnee Prairie and MacDonald courses would cost \$63,000. Irrigation system components are not interchangeable between manufacturers. Only one vendor, Modern Distributing Company of Springfield, Missouri, has the ability to supply the specific equipment necessary for this system.

Golf Operations in Wichita are fully funded by user fees. The 2000 Adopted budget includes \$43,000 for irrigation improvements. Other budgeted equipment replacement will be re-evaluated, allowing \$20,000 to be shifted to fund the irrigation system improvements. An additional \$55,000 in capital outlay expenditure authority is necessary to finance the jockey pump.

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The Purchasing Ordinance No. 35-856, Section 2(b) provides for the purchase of equipment and supplies from sole sources of supply without advertising for bids. The State of Kansas does not require total expenditures in the Golf Fund to be certified; Council action is all that is required to increase the level of expenditures.

Recommendation/Action: Approve an additional \$55,000 in Golf capital outlay and approve the purchase in the amount of \$63,000 of irrigation system components from Modern Distributing Company under the provisions of the Purchasing Ordinance for sole source of supply.

Motion -- carried

Knight moved that the additional capital outlay and purchase be approved. Motion carried 7 to 0.

ASSESSMENT ROLLS

PROPOSED ASSESSMENT ROLLS.

Proposed Assessment Rolls have been prepared for twenty-nine (29) water, twenty-six (26) sewer projects, and fifteen (15) storm water sewers and it is necessary to set a public hearing date. Informal hearing with City personnel will be held March 6, 2000.

Motion --
-- carried

Knight moved that the hearing on the proposed assessment rolls be set for 11:00 a.m., Tuesday, March 21, 2000. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ FEBRUARY 8, 2000)

- a. Franchise - Sedgwick County Electric Cooperative Association.

An Ordinance granting to Sedgwick County Electric Cooperative Association, Inc., its successors and assigns, an electric light, heat, and power franchise and prescribing the terms of said grant and relating thereto, read for the second time and under the rules laid over.

- b. Center City Neighborhood Development Plan.

ORDINANCE NO. 44-495

An Ordinance adopting the Center City Neighborhood Development Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- c. Amending Ordinance -- 37th Street Bridge over the Little Arkansas River. (District VI)

ORDINANCE NO. 44-496

An Ordinance amending Ordinance No. 43-184 of the City of Wichita, Kansas, declaring the 37th Street Bridge over the Little Arkansas River (472-82736) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- d. Sidewalk repair.

ORDINANCE NO. 44-497

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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PLANNING AGENDA

Motion -- Knight moved that Planning Agenda Items 31 and 32 be approved as consensus Items.
-- carried Motion carried 7 to 0.

SD 99-81

SD 99-81 - PLAT OF WILSON FARMS SECOND ADDITION LOCATED SOUTH OF 21ST STREET NORTH, WEST OF WEBB ROAD. (District II)

Agenda Report No. 00-0190.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (11-0)

This replat is zoned SF-6, Single-Family Residential. This site is also subject to the Wilson Estates Residential CUP (DP-201).

In order to allow for the platting of a street with a narrow or nonstandard right-of-way dedication, a 15-foot street, drainage, and utility easement was platted with a covenant restricting the use of easements. This site is within the noise impact area of the McConnell Air Force Base and an avigational easement and restrictive noise covenant were required. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant.

Petitions, 100%, have been submitted for sanitary sewer, City water, drainage and paving improvements. A Certificate of Petitions has also been submitted. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for such lot. A respread agreement for special assessments was also provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, restrictive covenants, and avigational easement will be recorded with the Register of Deeds.

Motion -- Knight moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures
-- carried be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-00-073

A Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89447 (south of 21st, west of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-074

A Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89455 (south of 21st, west of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-075

A Resolution of findings of advisability and resolution authorizing construction of Lateral 79, Main 22, War Industries Sewer (south of 21st, west of Webb) Project No. 468-83057, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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RESOLUTION NO. R-00-076

A Resolution of findings of advisability and resolution authorizing construction of Storm Water Sewer No. 531 (south of 21st, west of Webb) Project No. 468-83058, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-077

A Resolution of findings of advisability and resolution authorizing construction of Lateral 80, Main 22, War Industries Sewer (south of 21st, west of Webb) Project No. 468-83076, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-078

A Resolution of findings of advisability and resolution authorizing construction of Storm Water Sewer No. 535 (south of 21st, west of Webb) Project No. 468-83077, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-079

A Resolution of findings of advisability and resolution authorizing improving of Churchill Circle from the east line of Red Brush to and including the loop; Churchill Courts serving Lots 27 through 31, Block 2, from the north line of Churchill Circle to and including the cul-de-sac; serving lots 14 through 16 and Lots 34 through 36, Block 2, from the east line of Churchill Circle to and including the cul-de-sac, and; serving Lots 20 through 23, Block 2, Wilson Farms Second Addition, from the south line of Churchill Circle to and including the cul-de-sac, Project No. 472-83182 (south of 21st, west of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-080

A Resolution of findings of advisability and resolution authorizing improving of Shadybrook/Paddock Green from the east line of Red Brush to the north line of Wilson Estates Parkway; Shadybrook Circle serving Lots 5 through 14, Block 1, from the east line of Shadybrook/Paddock Green to and including the cul-de-sac, and; Paddock Green Court serving Lots 17, 18, 19, Block 1, from the east line of Paddock Green to and including the cul-de-sac, and; a sidewalk along the east side of Shadybrook/Paddock Green from the east line of Red Brush to the north line of Wilson Estates Parkway, Project No. 472-83198 (south of 21st, west of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

V-2203

V-2203 - REQUEST TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT THE NORTHEAST CORNER OF SENECA STREET AND 31ST STREET SOUTH. (District IV)

Agenda Report No. 00-0191.

Staff Recommendation: Approve vacation of a portion of a utility easement.
MAPC Recommendation: Approve vacation of a portion of a utility easement. (unanimous)

The applicant is requesting to vacate a portion of a 16-foot utility easement and a 10-foot sanitary sewer easement for future development on this site. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, and several conditions. The applicant must dedicate, by separate instrument, additional utility easement, must relocate any existing KGE electric equipment to the additional utility easement, and covenant together lots of the two additions to eliminate the need for additional east-west sewer easement. No written protests have been filed.

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The Certificate of Petitions, restrictive covenant, and a certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the vacation order and documents be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

RECESS

The City Council recessed at 10:35 a.m. to a workshop on I-135 (17th to 37th North) and reconvened at 11:10 a.m.

EXECUTIVE SESSION

Motion --

-- carried

Knight moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation and legal advice; confidential data relating to the financial affairs or trade secrets of a business; and that the Council return at approximately 11:55 a.m.. Motion carried 7 to 0.

RECESS

The City Council recessed at 11:11 a.m. and reconvened at 12:00 p.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 12:00 p.m.

Pat Burnett CMC
City Clerk

WORKSHOP

WORKSHOP: I-135 (17TH TO 37TH NORTH).